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JENNER & BLOCK LLP

MEMORANDUM ENDORSED

August 23, 2024

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VIA ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Schansman et al. v. Sberbank of Russia PJSC et al., No. 1:19-cv-02985-ALC-GWG (S.D.N.Y.) – Plaintiffs’ Letter Motion Concerning the Sealing of Plaintiffs’ Renewed Motion to Compel the Production of Documents from Defendant VTB Bank PJSC*

Dear Judge Gorenstein,

Pursuant to Federal Rule of Civil Procedure 26(c) and Your Honor’s Individual Rule 2.E, Plaintiffs seek leave to provisionally file under seal the unredacted version of Plaintiffs’ Renewed Motion to Compel the Production of Documents from Defendant VTB Bank PJSC (“VTB”) solely because it references information VTB has designated as confidential pursuant to the Protective Order in this case. Plaintiffs do not believe there are proper grounds for keeping the unredacted version under seal.

In support of this motion to seal the filing provisionally, Plaintiffs state as follows:

1. The above-listed filing contains references to material that VTB has designated as confidential pursuant to the Protective Order in this case, Dkt. 294. Accordingly, pursuant to the Protective Order, *id.*, Plaintiffs have provisionally filed the above listed filing under seal.
2. It is Plaintiffs’ position that this information should not remain under seal because it is relevant to Plaintiffs’ claims regarding VTB’s support for terrorist activity in Ukraine, a matter of intense public interest and global significance.
3. Nonetheless, VTB has designated information contained in the filing as confidential. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. Dkt. 294 ¶ 13. Pursuant Your Honor’s Individual Practices, VTB has the burden to file a written application justifying the sealing of this

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information. Judge Gorenstein Individual Practice 2.E (“In cases where the request to seal arises because of an opposing party’s designations, the opposing party has the obligation to make the written application to the Court justifying the proposed sealing.”).

Plaintiffs respectfully request that the Court order VTB to file an application justifying the proposed sealing if it wishes to maintain its assertions of confidentiality.

Dated: August 23, 2024

Respectfully submitted,

By: /s/ Terri L. Mascherin

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Counsel for Plaintiffs

Defendant should carefully re-consider its designations of confidentiality to ensure that they comply with the high bar for such designations for purposes of publicly-filed papers. After briefing on the motion to compel is complete, defendant should inform plaintiffs which designations in plaintiffs’ papers it seeks to maintain. If defendant’s position has changed as to the designations, plaintiffs should re-file their motion papers as appropriate. Within 7 days of the completion of briefing on the motion to compel, defendant shall file its application to seal. Briefing thereafter shall be in accordance with paragraph 2.B of the Court’s Individual Practices.

So Ordered.


GABRIEL W. GORENSTEIN
United States Magistrate Judge

August 26, 2024